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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,522	06/04/2001	Richard E. Scordato	56154112-7	3542
26453 7590 04/09/2007 BAKER & MCKENZIE LLP 1114 AVENUE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER GORDON, BRIAN R	
			ART UNIT 1743	PAPER NUMBER
			MAIL DATE 04/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/873,522	SCORDATO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian R. Gordon	1743	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Brian R. Gordon. (3) \_\_\_\_\_  
 (2) Ann Marie Mewherter 50,484. (4) \_\_\_\_\_

Date of Interview: 03 April 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
 If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: Proposed claims 1..

Identification of prior art discussed: none.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

BRIAN R. GORDON  
 PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner expressed the amendment would be sufficient to overcome the previous 112 rejection requiring the tip to positively be claimed as an element of the invention. However, while the proposed claim obviates the rejection directed thereto, the proposed claims do not obviate other outstanding issues detailed the prior Office Actions. The examiner further expressed positively claiming the tip does not translate into an allowance of the claims. Applicant stated further possible amendments would be made and an official response would be submitted

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**BAKER & MCKENZIE****Facsimile Transmission**

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<b>To</b>	Examiner Brian R. Gordon, United States Patent and Trademark Office, Washington, DC	571-272-1258	571-273-1258
<b>From</b>	Ann Marie Mewherter	+1 212 626 3577	+1 212 310 1763
<b>Client/Matter No.</b>	56154112-7		
<b>File No.</b>	09/873,522		
<b>Re</b>	Informal Proposed Amendment for discussion during Examiner Interview		
<b>Pages (w/cover)</b>	10		

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Informal Proposed Amendment for 09/873,522 for Discussion  
During Examiner Interview on April 3, 2007 between Examiner  
Gordon and Patent Agent Mewherter

LISTING OF CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

Claim 1 (Currently Proposed Amendment) A handheld pipette including:

a body portion having a vertical central axis longer than a horizontal central axis and shaped to fit in an operator's hand;

a nozzle portion extending from a point on said body portion and at a downward angle  $\theta$  of approximately 60° to 80° to the vertical central axis of said body portion;

~~wherein the nozzle portion is configured such that a pipette tip can be mounted to an end of the nozzle portion in fluid communication with the nozzle portion; and~~

at least one button located on the top of the body portion and operable by a thumb of the operator to effect aspiration of liquid into the pipette tip mounted to the end of the nozzle portion and dispensing of the liquid from the pipette tip mounted to the end of the nozzle portion, the at least one button being aligned with or substantially

Interview  
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aligned with the vertical central axis of the body portion;  
and

*new matter  
page 4*  
a piston member operable for controlling flow of the  
liquid aspirated into the pipette tip such that the liquid  
cannot enter into the nozzle portion and thereby cannot  
move through the body portion.

Claim 2 (Previously presented) The handheld pipette  
as claimed in claim 1 where said angle  $\theta$  is approximately  
70° to said vertical central axis.

Claim 3 (Previously presented) The handheld pipette  
as claimed in claim 1 wherein said angle  $\theta$  is adjustable.

Claim 4 (Previously presented) The handheld pipette  
as claimed in claim 1 wherein said angle  $\theta$  is such as to  
permit at least one of the operator's wrist, elbow and  
shoulder to be in a substantially natural position when the  
pipette is performing a pipetting operation.

Claim 5 (Previously presented) The handheld pipette  
as claimed in claim 1 wherein said angle  $\theta$  is such that any  
tip mounting force is in a direction causing a major  
component of the force to be applied against and

substantially perpendicular to a portion of the operator's hand grasping said body portion which is substantially between a second joint of the operator's fingers and a point slightly behind the operator's knuckles.

Claim 6 (Previously presented) The handheld pipette as claimed in claim 1 including a hook extending from a point on said body portion which is sufficiently angularly spaced from the point from which said nozzle portion extends to permit the hook to fit over a selected portion of the operator's hand when the pipette is being held by the operator in a position of use.

Claim 7 (Previously presented) The handheld pipette as claimed in claim 6 wherein said hook is adjustable to change at least one of the angle by which the hook is spaced from the nozzle portion, the height on the body portion for the point from which the hook extends and the angle of the hook relative to said vertical central axis.

Claim 8 (Previously presented) The handheld pipette as claimed in claim 6 wherein said hook is removably mounted to said body portion, said hook being replaceable with a



hook of different size/shape to accommodate at least one of user preference and different hand sizes.

Claims 9-11 (Previously Canceled).

Claim 12 (Previously presented) The handheld pipette as claimed in claim 1 wherein said at least one button is operated in a direction at a selected angle to said nozzle portion.

Claim 13 (Previously presented) The handheld pipette as claimed in claim 1 wherein said at least one button is shaped to minimize contact pressure on the operator's hand when the at least one button is operated.

Claim 14 (Previously presented) The handheld pipette as claimed in claim 1 including a button on said body which controls ejection of a tip from said nozzle portion, said button being shaped to minimize contact pressure on the operator's hand when the button is operated.

Claim 15 (Previously presented) The handheld pipette as claimed in claim 1 wherein a position of the nozzle portion and the angle  $\theta$  are such that an end of the nozzle

portion adjacent said body portion is closely adjacent the index finger of the operator when properly held.

Claim 16 (Previously presented) The handheld pipette as claimed in claim 1 wherein said body portion has a stable base permitting said pipette to stand on a surface with the vertical central axis of the body portion substantially perpendicular to the surface.

Claim 17 (Previously presented) The handheld pipette as claimed in claim 1 wherein said nozzle portion is operable for receiving the pipette tip, including at least the angle  $\theta$  of said nozzle portion to the vertical central axis of said body portion and length of said tip affixed to said nozzle portion, are selected such that said tip does not touch a surface on which the pipette is standing.

Claim 18 (Previously presented) The handheld pipette as claimed in claim 1 wherein said body portion has a bottom which is removable at least in part to provide access to the pipette.

Claim 19 (Previously presented) The handheld pipette as claimed in claim 1 including an adapter selectively

mountable to said body portion, said adapter adjusting the size of said body portion to better fit operator hand size.

Claim 20 (Previously presented) The handheld pipette as claimed in claim 1 including padding on at least a portion of said body portion.

Claim 21 (Previously presented) The handheld pipette as claimed in claim 1 wherein portions of said pipette which come in contact with the operator's hand are shaped to minimize contact pressure for the operator's hand during operation of the pipette.

Claim 22 (Previously presented) The handheld pipette as claimed in claim 21 wherein the portions of said pipette which come in contact with the operator's hand are shaped so that the contact pressure at no point on said pipette exceeds 14 psi.

Claim 23 (Previously presented) The handheld pipette as claimed in claim 1 wherein said nozzle portion extends from a point on an upper section of said body portion.

Claim 24 (Previously presented) The handheld pipette as claimed in claim 1 wherein said body portion is shaped and said nozzle portion is positioned such that when the pipette is held in an operating position, the nozzle portion is at an angle substantially perpendicular to the operator's forearm.

Claim 25-80 (Canceled)

Claim 81 (Currently Proposed Amendment) A handheld pipette, comprising:

a body portion having a vertical central axis longer than a horizontal central axis and being shaped to fit in an operator's hand, the body portion including a stable base permitting the pipette to stand on a surface with the vertical central axis of the body portion substantially perpendicular to the surface;

a nozzle portion extending from a point on an upper section of the body portion and at a downward angle  $\theta$  within a range of approximately  $60^\circ$  to  $80^\circ$  with respect to the vertical central axis, ~~wherein the nozzle portion is configured such that:~~

a pipette tip ~~can be~~ mounted to an end of the nozzle portion in fluid communication with the nozzle portion;

a button located on a top of the body portion and operable by a thumb of the operator to effect aspiration of liquid into the pipette tip mounted to the end of the nozzle portion and dispensing of the liquid from the pipette tip mounted to the end of the nozzle portion and to effect aspiration and dispensing of air through the nozzle portion, the button being aligned with or substantially aligned with the vertical central axis;

a piston member operable for controlling flow of the liquid aspirated into the pipette tip such that the liquid cannot enter into the nozzle portion and thereby cannot move through the body portion; and

a hook mounted to the body portion and extending from a point at an end or at substantially the end of the upper section of the body portion, the hook being angularly spaced by an angle  $\Phi$  from the point from which the nozzle portion extends, wherein

at least the angle  $\theta$  of the nozzle portion and a length of the tip are selected such that the tip when mounted to the nozzle portion does not touch a surface when the pipette is placed on the surface with the vertical central axis of the body portion substantially perpendicular to the surface.

Claim 82 (Previously presented) The handheld pipette  
as claimed in claim 81, wherein  
the angle  $\theta$  is adjustable.

Claim 83 (Previously presented) The handheld pipette  
as claimed in claim 81, wherein  
the hook is adjustable to change at least one of the  
angle  $\Phi$ , a height on the body portion for the point from  
which the hook extends, and an angle of the hook relative  
to the vertical central axis.